

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

In re:

THE IT GROUP, INC., *et al.*

Post-Confirmation Estate.

JOHN ACCARDI, *et al.*,

Movants/Appellants,

v.

**IT LITIGATION TRUST, successor in
interest to IT CORPORATION, IT GROUP,
INC., and their subsidiaries in bankruptcy,
ANTHONY DeLUCA, FRANCIS HARVEY,
HARRY SOOSE, and CARLYLE
PARTNERS II, LP, *et al.*,**

Respondents/Appellees.

ROCHELLE BOOKSPAN,

Movant/Appellant,

v.

**IT LITIGATION TRUST, successor in
interest to THE IT GROUP, INC., *et al.*,**

Respondents/Appellees.

Chapter 11

Bankruptcy Case No. 02-10118 (MFW)

Jointly Administered

Civ. No: 04-146 (JJF) (lead case)
[consolidated with Civ. No. 04-147 (JJF)]

**SUPPLEMENTAL ORDER GRANTING EMERGENCY MOTION FOR
CLARIFICATION/RECONSIDERATION OF MEMORANDUM ORDER**

With respect to the *ex parte* motion for immediate emergency relief in the emergency motion captioned: “Emergency Motion for Supplemental Order Clarifying/Reconsidering Memorandum Order Staying Denial of Stay” (the “Emergency Motion for Reconsideration”), filed on October 13, 2005, by twenty-nine claimants (*John Accardi, et al.*), and Rochelle

Bookspan (collectively, the “Accardi Appellants”), and the Court having considered the motion, the exhibits and other evidence attached thereto, and having jurisdiction to hear the Emergency Motion for Reconsideration under Federal Rule of Bankruptcy Procedure 8005 and Federal Rule of Civil Procedure 60(a); and it appearing that sufficient notice of the Emergency Motion having been given, the Court finds that there is insufficient time for the parties to file arguments with respect to the Emergency Motion; that a reserve order was entered by the United States Bankruptcy Court, District of Delaware on July 8, 2004 (“Reserve Order”), in the bankruptcy case of the IT Group, Inc. (Case No. 02-1-0118 (MFW)), that requires Alix Partners LLC, trustee of the IT Litigation Trust (“IT Trustee”) to reserve for the alleged priority and secured claims of the Accardi Appellants in the amount of \$3,146,427.83 (“Schedule C-1 Reserve”); that per order entered October 7, 2005 (D.I. 6332) the Bankruptcy Court granted the motion of the IT Trustee to, among other things, modify the Reserve Order (“Reserve Motion”) to provide that the Trustee no longer needs to maintain the Schedule C-1 Reserve and that any funds therein may be distributed by the Trust in accordance with the Joint Plan confirmed April 5, 2004, and provides further additional relief (“Reserve Modification Order”); that the Bankruptcy Court entered a temporary 10 day stay of the Reserve Modification Order in its entirety, which expires after October 17, 2005; and after deliberation thereon and good and sufficient cause showing, it is hereby:

ORDERED that the Emergency Motion for Reconsideration is granted; and further that the “IT Trustee” shall be and hereby is stayed from (a) releasing the “Schedule C-1 Reserve” and shall continue to maintain said reserve, and from (b) distributing the funds constituting the Schedule C-1 Reserve in accordance with the Joint Plan, through and including October 26, 2005.

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Dated: October 14, 2005

Honorable Joseph J. Farnan, Jr.
United States District Court Judge